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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,316

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Fredrick J. Landram

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MOTOROLA, INC.  
1303 EAST ALGONQUIN ROAD  
IL01/3RD  
SCHAUMBURG, IL 60196

EXAMINER

BAYARD, DJENANE M

ART UNIT

PAPER NUMBER

2444

NOTIFICATION DATE

DELIVERY MODE

10/19/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,316	<b>Applicant(s)</b> LANDRAM ET AL.	
	<b>Examiner</b> DJENANE M. BAYARD	<b>Art Unit</b> 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9, 11-26, 31-33 is/are rejected.
- 7) ☒ Claim(s) 2,8,10 and 27-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. This is in response to communication filed on 7/09/2009 in which claims 1-33 are pending.

#### ***Response to Arguments***

2. Applicant's arguments, see Appeal Brief, filed 7/09/9, with respect to the rejection(s) of claim(s) 1-33 under Findikli et al in view of Lipsit have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Seshadri. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 3-7, 9, 11-26, 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,114,021 to Seshadri.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

a. As per claim 1, Seshadri teaches a transacting business in conjunction with a sale of mobile devices, the method comprising the steps of: shipping at least a first mobile device to a first end user and at least a second mobile device to a second end user different from the first end user, the first mobile device and the second mobile device having generally a same hardware and software configuration during shipping (See col. 4, lines 1-46); maintaining on at least one server coupled to a network configuration data for a plurality of mobile devices (See col. 4, lines 16-22, *communication device request user information*); upon receipt of the first mobile device and the second mobile device by the first end user and the second end user, respectively, powering up the first mobile device and the second mobile device; and upon being powered up, the first mobile device and the second mobile device each a) automatically connecting to the at least one server via the network (See col. 4, lines 39-40, *communication device communicates to a remote server*), ; b) downloading first configuration data and second configuration data, respectively, from the at least one server, said first and second configuration data defining first and second end

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user specific operational characteristics of the first and second mobile devices, respectively, the first configuration data and the second configuration data being generally different (See col. 4, lines 52-65, *user configuration information is configured to communication devices*); and c) automatically configuring themselves based on the first configuration data and the second configuration data, wherein each mobile device is operable to maintain a communication link as the mobile device roams between communication cells (See col. 4, lines 46-67).

b. As per claim 4, Seshadri teaches the claimed invention as described above. Furthermore, Seshadri teaches further comprising a gateway for establishing remote communications between each mobile device and the server (See col. 6, lines 55-67).

c. As per claim 5, Seshadri teaches the claimed invention as described above. Furthermore, Seshadri teaches wherein the gateway is an internet connection (See col. 9, lines 45-56).

d. As per claim 6, Seshadri teaches the claimed invention as described above. Furthermore, Seshadri teaches wherein the gateway is an intranet connection (See col. 9, lines 45-56).

e. As per claim 7, Seshadri teaches the claimed invention as described above. Furthermore, Seshadri teaches configuring the mobile device manually in the event of a failure of the automatic configuration (See col. 5, lines 5-26).

f. As per claim 9, Seshadri teaches a method for maintaining configuration data on a server coupled to a network, the method comprising the steps of: storing in memory on the server different configuration data for a plurality of different mobile devices, wherein each mobile device is operable to maintain a communication link as the mobile device roams between

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communication cells (See col. 4, lines 46-67) ; the server receiving, via the network, requests for the different configuration data from the different mobile devices respectively; and the server providing, via the network (See col. 4, lines 47-48, *transmit a configuration request message*), the different configuration data to the different mobile devices, respectively, said configuration data defining a user specified operational characteristic of each of the plurality of mobile devices (See col. 6, lines 1-21).

g. As per claim 11, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches a gateway for establishing remote communications between each mobile device and the server (See col. 6, lines 60-62).

h. As per claim 12, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the gateway is an internet connection (See col. 9, lines 45-56).

i. AS per claim 14, Seshadri teaches a self configuring mobile device, comprising: a discovery module for discovering device specific information on a wireless computer network (See col. 5, lines 60-63 and col. 6, lines 30-32); a communication module for transmitting data to and receiving data from the wireless computer network, wherein the communications module obtains device specific information from the discovery module to establish a communications link to at least one device (See col. 6, lines 55-67); an update module operatively coupled to the communications module for querying the at least one device to obtain a configuration update (See col. 6, lines 15-21); and a configuration module for configuring the mobile device, wherein the configuration module implements the configuration update to configure the mobile device to

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a custom configuration that defines a user specified operational characteristic of the mobile device, wherein the mobile device is operable to maintain a communication link as the mobile device roams between communication cells (See col. 6, lines 15-21).

j. As per claim 15, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches a user input module for entering data corresponding to the configuration of the mobile device (See col. 9, lines 331-33).

k. As per claim 16, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the user input module is a keypad (See col. 9, line 32).

l. As per claim 17, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the user input module is a bar code reader (See col. 9, lines 31-35).

m. As per claim 18, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches original wherein the self configuring mobile device initially is configured in a generic state (See col. 4, lines 11-41).

n. As per claim 19, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches a wireless communication system, comprising: at least one system backbone; at least one host computer coupled to the system backbone; a wireless remote station coupled to the at least one system backbone (See col. 4, lines 39-46); and the self configuring mobile device of claim 14, wherein the self configuring mobile device and the at least one host computer are operatively configured to wirelessly communicate configuration information there between, and the self configuring mobile device changes a first configuration setting to a second

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configuration based on a plurality of configuration data received from the at least one host computer, said second configuration setting being specific to a particular environment (See col. 4, lines 65-67 and col. 5, lines 1-4).

o. As per claim 20, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches a local station coupled to the at least one system backbone and to at least one remote communication link, wherein the wireless remote station is coupled to the at least one system backbone through the remote communication link and the local station (See col. 4, lines 39-46).

p. As per claim 21, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the at least one remote link is an internet connection (See col. 9, lines 45-56).

q. As per claim 22, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the at least one remote link is an intranet connection (See col. 9, lines 45-56).

r. As per claim 23, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the local station and the wireless remote station are routers (See col. 9, lines 45-56).

s. As per claim 24, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the environment is a computer network (See col. 9, lines 45-56).



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t. As per claim 25, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the environment is a computer management system for managing business operations (See col. 9, lines 45-56).

u. As per claim 26, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the at least one host computer includes a memory and a database stored in the memory (See

v. As per claim 30, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the first mobile device and the second mobile device include a number of predefined features, and wherein automatically configuring the respective mobile devices includes configuring the first mobile device to enable access to a first number of features of the predefined number of features, and configuring the second mobile device to enable access to a second number of features of the predefined number of features, wherein the first number is different from the second number (See col. 4, lines 52-67 and col. 5, lines 1-4).

w. As per claim 31, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein automatically configuring the mobile devices includes enabling or disabling features of the mobile devices based on an intended or actual user of the respective mobile devices (See col. Col. 6, lines 21-54).

x. As per claim 32, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein enabling or disabling features of the mobile devices based on the intended or actual user includes enabling or disabling access to at least one of stock

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on hand, wholesale prices, retail prices, quantity on hand, or delivery dates of stock (See col. 6, lines 21-54).

y. As per claim 33, Seshadri teaches the claimed invention as described above.

Furthermore, Seshadri teaches wherein the configuration data determines at least one of applications loaded on the mobile device, configuration of applications on the mobile device, access to different types of data, or functionality of the mobile device (See col. 6, lines 21-54).

***Allowable Subject Matter***

5. Claims 2, 8, 10, 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DJENANE M. BAYARD whose telephone number is (571)272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Djenane M Bayard/  
Examiner, Art Unit 2444

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444